

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Civil Misc. Writ Petition No. 131 of 2006 (S/B)**

1. Dr. Rakesh Kumar
S/o Late Asha Ram
Presently posted as Consultant Specialist
In H.M.G. District Hospital
Haridwar, District Haridwar
 2. Dr. Munisha Agarwal
W/o Dr. Rakesh Kumar
Presently posted as Consultant Specialist
In Chain Rai Woman
District Hospital Haridwar
District Haridwar
 3. Dr. Pradeep Kumar S/o late Tika Ram
Presently posted as Consultant Specialist
In H.M.G. District Hospital Haridwar
District Haridwar
- ... Petitioners

Versus

1. Union of India, through its
Chairman, Central State Advisory Committee
Gate No. 31
Jawahar Lal Nehru Stadium
Lodhi Road, New Delhi
 2. Union of India through Secretary
Ministry of Personnel Public Grievances and Pension New
Delhi
 3. State of Uttaranchal through
Secretary, Medical Health and Family Welfare Dehradun
 4. Director Medical Health and Family Welfare
Uttaranchal Dehradun
 5. State of Uttar Pradesh through Secretary
Medical Health and Family Welfare, Lucknow
 6. Director Medical Health and Family Welfare
Uttar Pradesh Lucknow
- ... Respondents

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

By means of this writ petition, the petitioners has prayed for a writ, order or direction in the nature of mandamus commanding the respondent No. 3 and 4 i.e. Secretary, medical Health and Family Welfare, Dehradun and Director Medical Health and Family Welfare, Dehradun to

relieve the petitioners for the State of U.P. with immediate effect in pursuance of office memorandum dated 06.03.2002 and 14.03.2002 issued by the State of U.P. in consonance with State Advisory Committee retaining their services for the State of U.P.

The petitioner has been allocated finally to the State of Uttar Pradesh under Section 73 (2) of the U.P. Re-organisation Act, 2000, This factual position has also not been disputed by the Ms. Anjali Bhargawa, learned counsel for the Union of India. After the allocation has been made under Section 73 (2) of the U.P. Re-organisation Act, the State of Uttaranchal cannot retain an officer even under Section 75 of the aforesaid Act.

Therefore, we direct the State of Uttaranchal to relieve the petitioners forthwith in order to enable them to join their duties to the State of Uttar Pradesh.

With the aforesaid observations, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

(P.C. Verma, J.)

22.04.2006
ASWAL